

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--February 1, 1977

The meeting of the Commission was called to order at 7:00 P.M. in the Council Chambers.

Present

Miguel Guerrero, Chairman
Barbara Chance*
Gabriel Gutierrez
Sid Jagger*
Jean Mather**
Dean Rindy
Bill Stoll
Nellie White

Absent

Freddie Dixon

Also Present

Evelyn Butler, Supervisor of Current Planning
Duncan Muir, Planner
Brian Schuller, Planner
Bill Lowery, Urban Transportation Department
Dona Jakubowsky, Administrative Secretary

* Arrived at 7:20 PM

** Arrived at 7:15 PM

ZONING

C14h-74-019	Hirshfeld Homes: 303 & 305 West 9th Street	"C" Commercial, 4th H & A to "C-H" Commercial-Historic, 4th H &
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Ms. Evelyn Butler, representing the Planning staff, told the Commission members that the cottage was built in 1876 and the house was built in 1886. The Heritage Society of Austin purchased the two houses in December, 1976 and sold them to the Texas A & M Development foundation in January of 1977. She explained that the request for historic zoning was made by the Heritage Society and that it is not known whether or not the current owners were notified of the hearing, but it is assumed that they did know about the possibility of historic zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Stoll made a motion to grant the request for historic zoning. Ms. White seconded the motion.

COMMISSION VOTE:

To GRANT the request for a change in zoning from "C" Commercial, 4th H & A to "C-H" Commercial-Historic, 4th H & A on property located at 303 & 305 West 9th Street, known as the Hirshfeld Homes.

AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Mather and White
 ABSENT: Ms. Chance; Messrs. Dixon and Jagger

C14-76-106	American Bank, Executor: 904 West 23rd Street, also bounded by West 24th Street	"B" Residence, 1st H & A to "B" Residence, 3rd H & A (as amended)
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Mr. Duncan Muir, representing the Planning staff, told the members that the applicant had requested a postponement because there is an historic zoning request pending on the property and the decision will not be made until January 27, and the applicant wanted the zoning request to be heard after the Landmark Commission considers the potentiality of historic zoning on the property. He said it will be heard March 1 and notice of this postponement have been sent to the property owners.

NO ACTION WAS TAKEN.

C14-77-001	George L. Dill: 10721-10743 Research Blvd.	<u>Int. "AA" Residence, 1st H & A to</u> <u>"GR" General Retail, 1st H & A</u> <u>(Tract 1) and</u> <u>"DL" Light Industrial, 1st H & A</u> <u>(Tract 2)</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that if the applicant makes the necessary changes which will be recommended by the Urban Transportation Department to correct the unsafe driveway conditions, the staff will recommend that "GR" General Retail and "DL" Light Industrial, 1st H & A be granted on Tracts 1 and 2 respectively. He then added that the applicant has been in contact with both the driveway permit section of the Engineering Department and the Urban Transportation Department and it is their opinion that it is impractical at this time to require that Mr. Dill bring his development into compliance with the driveway ordinance. The Planning Department agrees with this opinion. The Urban Transportation and Engineering Departments recommend that Mr. Dill, at such time as underground drainage improvements are put along the highway, agree to bring his driveways, as best he can, into compliance with the driveway ordinance.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

George Dill (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Rindy asked how the proposed requirement would be enforced. Mr. Muir answered that at the time the drainage improvements are put in the Engineering Department will require that the necessary driveway approaches be put in. Mr. George Dill, the applicant, told the members that he is willing to abide by the requirements asked by the Urban Transportation and Engineering Departments. Ms. Mather asked Mr. Muir if, when the drainage improvements are made, the applicant would confine himself to two 45-foot driveways or would that be worked out at the time. Mr. Muir answered that it would be worked out at the time, but that the Urban Transportation and Engineering Departments are implementing the driveway spacing policy. He added, however, that because of the placement and the number of structures that Mr. Dill has, they felt that two driveways would be a reasonable limitation of this tract. Ms. White wondered if the zoning change should be delayed until the driveway problem is addressed. Mr. Muir responded that it could be as long as five years before the underground storm drainage facilities are put in. Ms. White asked if it could not just be in non-conformance until that time. Mr. Muir said that was correct but what the staff is asking for is an agreement that at that time Mr. Dill be required to bring his driveways into compliance as best he can and without such an agreement, it could not be done. He said also that Mr. Dill may have some plans for additional develop-

C14-77-001 George L. Dill--Contd.

ment on the tract or for resubdividing and reselling a portion. Ms. Mather asked if part of it was sold, would access have to be given to each lot. Mr. Muir told her that the two driveways that have been discussed would provide access. He added that the agreement would require any successive owners to bring the driveways into compliance also. Mr. Rindy and Mr. Jagger reminded the other Commission members that any subdivision would have to come before the Planning Commission anyway. Mr. Jagger made a motion to grant the zoning change subject to the staff recommendations. Mr. Rindy seconded the motion.

COMMISSION VOTE:

To GRANT the request of George L. Dill for a zoning change from Int. "AA" Residence, 1st H & A to "GR" General Retail, 1st H & A (Tract 1) and "DL" Light Industrial, 1st H & A (Tract 2) on property located at 10721-10743 Research Boulevard, subject to a written agreement to bring the driveways into compliance with the driveway ordinance at such time as underground storm sewerage facilities are installed along the frontage of the property.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

C14-77-002	Texas Employment Commission: 401-407 East 12th Street, also bounded by Trinity Street	"B" Residence, 2nd H & A to "C" Commercial, 3rd H & A
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Cecil Childress (Representing Applicant)

R.J. Lackey, 1907 N. Lamar

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. The applicant's representative, Mr. Cecil Childress, explained that it was not known until recently that, because this tract is subject to the Brackenridge Urban Renewal Plan, there was a height limitation of 90 feet. Mr. Muir explained to the Commission members that even if the Commission approves the requested zoning change at this time, the applicant will still have to go before the City Council to request a change to the Urban Renewal Plan to exceed the 90-foot limit. Mr. Jagger asked Mr. Muir why the request was for "C" Commercial. Mr. Muir answered that he did not know, but that the staff has no problem with the "C" because it is the predominant district in

C14-77-002 Texas Employment Commission--Contd.

the downtown area. Mr. Rindy wondered if the applicant intended to ask the Council to amend the Urban Renewal Plan to include the removal of the restrictions on the landscaping requirements also. Mr. Childress answered that the request would be only to amend the height requirement. Ms. White made a motion that the request for a zoning change be granted. Mr. Rindy seconded the motion.

COMMISSION VOTE:

To GRANT the request of the Texas Employment Commission for a zoning change from "B" Residence, 2nd H & A to "C" Commercial, 3rd H & A on property located at 401-407 East 12th Street, also bounded by Trinity Street.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

<u>C14-77-003</u>	<u>James Crow:</u>	<u>"A" Residence, 1st H & A to</u>
	922-932 East 56½ Street	<u>"LR" Local Retail, 1st H & A</u>
	at Bennett Avenue	

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "LR" Local Retail be denied. He added that if the applicant changes the request to "O" Office with a five (5)-foot strip of "A" Residence along East 56½ Street to prohibit vehicular access to more intensive developments, the staff will recommend approval.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Elsie L. Nichols, 5603 Bennett

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

James Crow (Applicant)

PERSONS APPEARING IN OPPOSITION

C.F. Hutton, 5512 Bennett Ave
Adele Hutton, 5512 Bennett Ave.
Paul Boatwright

COMMISSION ACTION:

The members reviewed the information presented. The applicant, Mr. James Crow, told the Commission members that he intends to build apartment units on this tract. He added that his original intention was to build an office park on the property but that he could not financially do that at this time. He said that the staff's recommendation to prohibit access on East 56½ Street was denying him the use of his property. Mr. Guerrero felt that allowing access on 56½ Street would create too much traffic. Ms. Mather felt that the staff recommendation for a five-foot buffer strip of "A" Residence was not enough and recommended that it be 15 feet. She felt that with that 15 feet

C14-77-003 James Crow--Contd.

of "A", the "O" Office zoning would be acceptable. Mr. Guerrero asked her if that was a motion. Ms. Mather answered that she would so move. Mr. Stoll seconded the motion.

COMMISSION VOTE:

To DENY the request of James Crow for a zoning change from "A" Residence, 1st H & A to "LR" Local Retail, 1st H & A on property located at 922-932 East 56½ Street at Bennett Avenue, but to GRANT "O" Office, 1st H & A excluding the southern 15 feet along East 56½ Street.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

C14-77-004 John W. Bradley, Jr.:
4206 South First Street

"A" Residence, 1st H & A to
"C" Commercial, 1st H & A

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the request for a zoning change.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

R.D. Wilson, 7333 U.S. Hwy. 290 East, Suite 203

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Stoll pointed out that there are some single family residences existing around the subject tract and he wondered what effect the proposed "C" Commercial zoning would have on these residences. Mr. Muir answered that the staff felt that, although some "C" Commercial uses may be undesirable to the single family residents, the overriding consideration here was the predominant zoning policy along this section of South 1st Street. Mr. Rindy asked Mr. Muir if "C" Commercial zoning was the only zoning category which allowed the proposed business of retail sale of monuments and markers. Mr. Muir answered that it was. Ms. Mather said that that also bothered her. Mr. Jagger said that he would like to know more about what the applicant plans to do so that the Commission could work on a solution that would allow his business but would not be so undesirable to the single family neighborhood. Mr. Rindy made a motion to deny the request. The motion died for lack of a second. Mr. Gutierrez made a motion to postpone the request to give the applicant another opportunity to appear and clarify his plans. Ms. Chance seconded the motion.

C14-77-005 Kingstip Communications, Inc.--Contd.

Mr. Stoll said that it seemed reasonable to him to go ahead with the rezoning since the entire area is built with apartments and offices already. Ms. Chance agreed, but felt that they should rezone the entire lot and not divide it. Mr. Jagger made a motion to postpone the request for one month and ask the applicants to present a plan for the entire lot, including any remodeling of the house and a restrictive covenant on the site plan. Mr. Stoll seconded the motion. Mr. Jagger explained that the restrictive covenant would be to prevent the destruction of the house. Ms. White felt that putting parking on that lot was an encroachment on the existing house. Mr. Rindy said he got the impression that the neighborhood simply did not want office or commercial use to go any further on that street or into the neighborhood. Mr. Muir asked for clarification of the motion, specifically if they were postponing to have the entire lot rezoned or just the portion that is before them rezoned. Mr. Jagger answered that his motion was to postpone to examine the possibility of rezoning the entire lot with a restrictive covenant on the entire lot.

COMMISSION VOTE:

To DENY the request of Kingstip Communications, Inc. for a zoning change from "B" Residence, 2nd H & A to "O" Office, 2nd H & A on property located at 1904 Pearl Street.

AYE: Mmes. Chance, Mather and White; Mr. Rindy
 NAY: Messrs. Guerrero, Gutierrez, Jagger and Stoll
 ABSENT: Mr. Dixon

THE VOTE RESULTED IN A TIE, 4-4

To POSTPONE TO MARCH 1, 1977 the request of Kingstip Communications, Inc. for a zoning change from "B" Residence, 2nd H & A to "O" Office, 2nd H & A on property located at 1904 Pearl Street.

AYE: Messrs. Guerrero, Gutierrez, Jagger and Stoll; Ms. Chance
 NAY: Mmes. Mather and White; Mr. Rindy
 ABSENT: Mr. Dixon

C14-77-006 The Village Shopping Center: "GR" General Retail, 1st H & A to
2700 West Anderson Lane "C-2" Commercial, 1st H & A

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "C-2" Commercial be granted subject to the recommended restrictive covenant which would limit the use of the "C-2" to that of a melodrama theater. Mr. Muir reminded the members that they had placed this restrictive covenant on this application at the public hearing to consider the special permit at their meeting one month ago and the applicant had agreed to that condition.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

C14-77-006 The Village Shopping Center--Contd.

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Laird Palmer (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Laird Palmer, representing the applicant, explained that the restrictive covenant will run with the land and is a legal and binding covenant. He added that the effect of the covenant is that the "C-2" zoning applies only so long as this portion of the shopping center is used for this particular and specific purpose. He said that, at the request of Ms. Mather, he had met with representatives of the Persidio Theater and had executed an agreement with them that they are satisfied with concerning the parking situation. Ms. Mather made a motion that the requested zoning change be granted subject to the restrictive covenant limiting the use to a melodrama theater. Mr. Guerrero seconded the motion.

COMMISSION VOTE:

To GRANT the request of The Village Shopping Center for a zoning change from "GR" General Retail, 1st H & A to "C-2" Commercial, 1st H & A on property located at 2700 West Anderson Lane, subject to a restrictive covenant limiting the use to a melodrama theater.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

<u>C14-77-007</u>	<u>J.W. Smith:</u> 4613-4717 McCarty Lane, also bounded by One Oak Road	<u>"BB" Residence, 1st H & A</u> <u>(Tract 1) &</u> <u>"A" & "BB" Residence, 1st H & A</u> <u>(Tract 2) to</u> <u>"A" Residence, 1st H & A</u> <u>(Tract 1) &</u> <u>"O" Office, 1st H & A (Tract 2)</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the request for a change in zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION.

None

PERSONS APPEARING IN FAVOR

J.W. Smith (Applicant)

PERSONS APPEARING IN OPPOSITION

None

C14-77-007 J.W. Smith--Contd.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Stoll asked Mr. Muir how they would show that the 50-foot greenbelt buffer was moved 50 feet west as proposed by the developer. Mr. Muir answered that it was shown on the subdivision plat and that the Commission had already seen and approved that subdivision plat. Mr. Guerrero reminded Mr. Stoll that one of the conditions of approving that plat was that the applicant would roll the zoning back to "A" Residence as he is doing now. Ms. Chance made a motion to grant the request for a zoning change. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of J.W. Smith for a zoning change from "BB" Residence, 1st H & A (Tract 1) and "A" & "BB" Residence, 1st H & A (Tract 2) to "A" Residence, 1st H & A (Tract 1) and "O" Office, 1st H & A (Tract 2), as amended to decrease the width of the "O" Office corridor leading to One Oak Road from 60 feet to 45 feet, on property located at 4613-4717 McCarty Lane, also bounded by One Oak Road.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

<u>C14-77-008</u>	<u>City of Austin:</u>	<u>Int. "AA" Residence, 1st H & A</u>
	Numerous properties within an area	<u>"DL" Light Industrial and</u>
	in the vicinity of 10400-11000 North	<u>"O" Office, 1st H & A</u>
	Lamar Boulevard	

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "DL" Light Industrial, 1st H & A be granted, with the exception of the residentially developed properties along North Meadows Drive, and that "O" Office, 1st H & A be granted on those properties. He added that, prior to the public hearing, the staff sent a letter which notified each owner of this zoning application and what the staff was going to recommend.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Jalton Bauerle, 830-836 North Meadows

James A. Hickey, 1201 Kramer Lane

WRITTEN COMMENT IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Ron Davis, 1006 Wagon Trail

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Muir explained to the members that this area is within a Master Plan area for heavy commercial uses

C14-77-008 City of Austin--Contd.

and the residential developments were built after that designation was established in approximately 1969. Ms. White was concerned, that even though the residences were built after the Master Plan designation, they were still residences and felt that they needed some protection from the industrial area. She suggested that the Commission zone each use in the area according to its present use. Ms. Mather felt that "DL" Light Industrial is one of the best zoning designations because it has buffering in it and that the residential development is being protected with the "DL" zoning. Mr. Stoll also was concerned about the residential development. Mr. Jagger suggested that to make that area any kind of residential use is implying a responsibility of the City to maintain that neighborhood as it is and he did not think that it ought to be maintained that way. Ms. White countered that it is already a neighborhood, even if it should not have been. Ms. Chance made a motion to accept the staff recommendation. Mr. Gutierrez seconded the motion. Mr. Stoll went on record as opposing the motion because he felt that the North Meadows area where there are duplexes and four-plexes should not be included in the "DL" district. Mr. Rindy offered an amendment to the motion that the western line of the tract be pulled back 15 feet, leaving an extra 15 feet of "A" Residential where the present sites are adjacent to residential lots. Mr. Muir told him he did not think that would make any difference. Mr. Roy Oatman, a property owner on Kramer Lane, told the members that you could not pull that line 15 feet back because the buildings are next to the property line now. Mr. Rindy withdrew his amendment. Mr. Muir said that it had been brought to his attention that the staff had left something out of the report -- that Kramer Lane is planned to be brought up to 70 feet and it's presently 65 feet throughout the subject area, and the five feet needs to be obtained from the south on Kramer Lane within the subject tract. He said, therefore, that the staff would recommend that the zoning of those lots on the south side of Kramer Lane be subject to dedication of five feet of right-of-way to bring it up to the full 70 feet.

COMMISSION VOTE:

To GRANT the request of the City of Austin for a zoning change from Int. "AA" Residence, 1st H & A to "DL" Light Industrial on numerous properties within an area in the vicinity of 10400-11000 North Lamar Boulevard, with the exception of the residentially developed properties along North Meadows Drive, and grant "O" Office 1st H & A on those properties, subject to dedication of five (5) feet of street right-of-way along the south side of Kramer Lane.

- AYE: Messrs. Guerrero, Gutierrez, Jagger and Rindy; Mmes. Chance and Mather
- NAY: Mr. Stoll and Ms. White
- ABSENT: Mr. Dixon

C14-76-115 University Christian Church, et al: "B" Residence, 2nd H & A to
2000-2004 University Avenue, also "GR" General Retail, 2nd H & A
bounded by West 20th Street

Mr. Duncan Muir, representing the Planning staff, reminded the members that they had heard this case at their meeting in January. At that meeting the

C14-76-115 University Christian Church, et al--Contd.

Commission recommended Local Retail zoning on the two northern lots and postponed zoning action on the southern lot pending review by the Landmark Committee of historic zoning. This review has taken place and the result was not to refer it to the Landmark Commission for formal hearing. He explained further that the applicant requested that all three lots be brought back before the Commission to be considered together. He said that the Planning staff recommends that the requested zoning change be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Tom Curtis (Representing Applicant)

Roy Cates (Representing Applicant)

Dick Rathgeber (Representing Alpha Phi Sorority)

Jack Jennings (Representing Kappa Kappa Gamma Sorority)

Sarah Rathgeber (Representing Alpha Phi Sorority)

PERSONS APPEARING IN OPPOSITION

R.G. Mueller, 1904 University Ave.

COMMISSION ACTION:

The members reviewed the information presented. Mr. Tom Curtis, representing the applicant, told the members that the applicant's representatives had met with representatives of the neighborhood and that they had come to an agreement that the request would be for "GR" General Retail zoning, but the applicant would agree to a restrictive covenant that the only use the property would be put to would be parking or some other church related activity. Ms. White asked how many spaces are on the two northern lots and was told there were about 87 spaces. She then asked how many more spaces this zoning would add. Mr. Curtis answered it would be approximately 40 spaces more. Mr. Rindy asked Mr. Curtis why the applicant could not accept the "LR" Local Retail zoning on the two northern lots that was granted at the last hearing. Mr. Curtis replied that although the "LR" Local Retail zoning would allow contract parking with a special permit, they did not have time to go through the special permit process since the contract parking had to cease as of February 1, 1977 as they are in violation of the ordinance. Mr. Gutierrez asked Mr. Curtis if they had considered the possibility of a written contract, not necessarily a restrictive covenant, between the owners and the city. Mr. Curtis replied that they would be agreeable to that and thought that it could be done. Ms. Mather said that she had a lot of problems with more parking lots in the University area because they could work to the disadvantage of the neighborhood. She added that she realized that they are needed and that perhaps some landscaping could mitigate the bad effects of parking lots. Mr. Guerrero asked if they were just considering the one southern lot at this hearing. Mr. Muir told him that all three lots were being considered at the request of the applicant. Ms. Mather made a motion that the two northern lots be reconsidered along with the southern lot. Mr. Stoll seconded the motion. The motion carried. Mr. Jagger made a motion

C14-76-115 University Christian Church, et al--Contd.

that the "GR" General Retail zoning be granted subject to a specific site plan to be shown to the Commission on February 8 and made a part of the suggested restrictive covenant. He added that he urged that the site plan take into account the need for some landscaping around the perimeter of the property and also breaking up the parking lots on the interior with some kind of landscaping and trees. Ms. Mather seconded the motion. Mr. Guerrero asked Mr. Jagger if he would amend the motion to add that the applicants work with the Legal staff to work out the restrictive covenant. Mr. Jagger answered that he would and he felt it should be done before the application goes to the City Council.

COMMISSION VOTE:

To GRANT the request of the University Christian Church, et al for a zoning change from "B" Residence, 2nd H & A to "GR" General Retail, 2nd H & A on property located at 2000-2004 University Avenue, also bounded by West 20th Street, subject to a restrictive covenant limiting the use of the "GR" to contract parking in addition to the uses permitted in "B" Residence zoning, limiting the site design to a site plan to be reviewed by the Planning Commission on February 8, 1977 and to the applicant working with the City Legal staff on the restrictive covenant or other type of written contract.

- AYE: Messrs. Guerrero, Gutierrez, Jagger and Stoll; Mmes. Chance and Mather
- NAY: Mr. Rindy
- ABSTAIN: Ms. White
- ABSENT: Mr. Dixon

SPECIAL PERMITS

C14p-75-038	Dr. Edward J. Petrus: 1110 William Cannon Drive, also bounded by Emerald Forest Drive	<u>Site sign reading, "Cannon Professional Park, Medical and Dental Offices, 1110". (revised)</u>
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Ms. Evelyn Butler, representing the Planning staff, delivered the staff report and the staff recommendation that the sign be placed closer to the interior of the site, such as the area directly in front of building 1-B. She said that this will have the effect of reducing the impact and still provide site identification.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

- Southwest Mediplex, William Cannon Drive
- Southwest Christian Church, 6523 Emerald Forest Drive

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

C14p-75-038 Dr. Edward J. Petrus--Contd.

COMMISSION ACTION:

The members reviewed the information presented. Ms. Chance wondered why the sign should not just be installed on the building as required by the ordinance instead of putting a free-standing sign very close to the building. Ms. Butler responded that there may have been a specific reason that the applicant preferred a free-standing sign, but she did not know what it was if there was a reason and the applicant was not present to tell them. Mr. Stoll made a motion to approve the request as submitted by the applicant, subject to ordinance requirements and departmental recommendations. Mr. Jagger seconded the motion. Ms. Mather offered a substitute motion to deny the request for a free-standing sign and require that the sign be placed on the building in compliance with the zoning ordinance. Ms. Chance seconded the motion. Ms. Mather stated that her reasons for making the motion were that it is a completely "A" RESidential area and she felt that the sign would be an eye-sore to residences across the street from it and too much of an impact on the neighborhood.

COMMISSION VOTE:

To DENY the request of Dr. Edward J. Petrus for s site sign reading, "Cannon Professional Park, Medical and Dental Offices, 1110" (revised), located at 1110 William Cannon Drive, also bounded by Emerald Forest Drive.

AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Chance, Mather and White
 ABSTAIN: Mr. Jagger
 ABSENT: Mr. Dixon

<u>C14p-77-001</u>	<u>Capital Cable Company:</u> 814 North Bluff Drive	<u>Microwave receiver tower</u> <u>approximately sixty feet</u> <u>in height.</u>
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Ms. Evelyn Butler, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit subject to ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Katherine Steinmann, 813 North Bluff Drive
 W.D. Wilson, Sr., 814 North Bluff Drive

WRITTEN COMMENTS IN OPPOSITION

Irwin Ebaugh, South I.H. 35

PERSONS APPEARING IN FAVOR

Tom Curtis (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Stoll asked the applicant's representative, Mr. Tom Curtis, if the tower would cause the residents in the

C14p-77-001 Capital Cable Company--Contd.

area any reception problems in their homes. Mr. Curtis responded that he had inquired into that and found that there would be no interference generated from the tower. Ms. Mather made a motion to approve the request for a special permit. Ms. Chance seconded the motion.

COMMISSION VOTE:

To APPROVE the request of Capital Cable Company for a special permit for a microwave receiver tower approximately sixty feet in height to be located at 814 North Bluff Drive, subject to ordinance requirements and departmental recommendations.

- AYE: Messrs. Guerrero, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White
- ABSENT: Mr. Dixon
- OUT OF ROOM: Mr. Gutierrez

<u>C14p-77-002</u>	<u>Capital Cable Company:</u>	<u>Microwave receiver tower</u>
	21623 Research Boulevard	<u>approximately sixty feet</u>
		<u>in height.</u>

Mr. Guerrero told the members that there would be no action taken on this case because it is located outside the city limits.

NO ACTION TAKEN.

<u>C14p-77-003</u>	<u>Richard Johns:</u>	<u>A 75-unit apartment complex called,</u>
	Bounded by Barton Hollow Drive,	<u>"Barton Hollow Apartments".</u>
	Hollow Creek Drive and Barton Hills Drive	

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit. He informed the members that the ordinance requirement from the Building Inspection Department asking for a 25-foot building setback was in error. Also he explained that their ordinance requirement concerning the height of the buildings containing a loft area, is correct in stating that the maximum height allowed is 35 feet, but that the Planning staff had discussed this with the Building Inspection Department. He said that there is a section in the zoning ordinance which permits the Planning Commission to vary the height in any use district, and the staff is therefore recommending that if the Commission approves the request, it consider a maximum height on buildings one and two of 36 feet above the finished slab elevation.

C14p-77-003 Richard Johns--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

F.W. Bullian, et al, 1104 Robert E. Lee Road

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Edgar James (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather said that she thought this was a very attractive layout but she was concerned about the parking abutting the neighbors. Mr. Rindy suggested that the Commission could require some landscaping between the parking and the residences. Ms. White expressed concern for the traffic on Robert E. Lee Road, but she felt that the applicants had handled the access as well as they can and pointed out that they had kept the density very low. Ms. Mather made a motion to approve the request for a special permit, subject to ordinance requirements and departmental recommendations with the exception of the 25-foot building setback requirement from Building Inspection and allowing a height of 36 feet above the finished slab elevation on buildings one and two, and planting trees along the west and south parking lots to screen them from the abutting residences.

COMMISSION VOTE:

To APPROVE the request of Richard Johns for a special permit for a 75-unit apartment complex called, "Barton Hollow Apartments" bounded by Barton Hollow Drive, Hollow Creek Drive and Barton Hills Drive, subject to ordinance requirements and departmental recommendations, with the exception of the 25-foot building setback requirement from the Building Inspection Department and varying the height requirement from the Building Inspection Department to allow a height of 36 feet above the finished slab elevation on buildings one and two, and to planting trees along the west and south parking lots to screen them from the abutting residences.

AYE: Messrs. Guerrero, Gutierrez, Jaggèr, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

PLANNED UNIT DEVELOPMENTS

C814-76-012	Omega Investment Company: 2330 Bergstrom Highway	A 640-unit residential planned unit development called, <u>"River Hills"</u> .
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a planned unit development be approved subject to ordinance requirements and departmental recommendations.

C814-76-012 Omega Investment Company--Contd.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Phyllis Rothgeb, 1602 Northwood Road

PERSONS APPEARING IN FAVOR

Roy Bechtol (Representing Applicant)

Ronald Zent (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

Phil Savoy (Travis County Engineering Department)

COMMISSION ACTION:

The members reviewed the information presented. Ms. White asked Mr. Schuller if the staff compared this plan to the Bergstrom Air Installation Use Compatibility Study (AICUZ). Mr. Schuller answered that the staff had done so and that the study is addressed in the report from Tracor. He explained to those members who were not familiar with the study that it divides the area into zones which indicate what uses are appropriate in each zone, and the report from Tracor indicates that there should be a 25 decibel sound reduction measure for any residential use within this particular range. Mr. Rindy mentioned that there was another consultants report that recommended that the City consider ultimately switching its Municipal Airport commercial activities to Bergstrom and wondered if this had been taken into account when studying the area for this plan, since additional runways would certainly be added if this should occur. Mr. Schuller responded that the Commission was provided with a map that showed the noise contours if there was a joint use of the Bergstrom Air Force Base and the City facility, assuming the existing runways and additional runways to the west.

Mr. Roy Bechtol, representing the applicant, told the members that this was planned as a low-cost housing project with the first units selling for approximately \$22,000. He said also that the applicant had had an extensive noise study conducted in the area and the recommendations for construction include conformance with the noise level reduction (NLR) of 25 decibels set forth in the AICUZ study or written certification from a qualified acoustical consultant that the particular design will provide a NLR of at least 25 decibels, or acoustical test results on a prototype structure which demonstrates a NLR of at least 25 decibels for aircraft noise of the test being performed and certification by a qualified acoustical consultant. Mr. Stoll asked if the units would be eligible for FHA and VA financing. Mr. Bechtol replied that the development itself will not be financed by FHA or VA, but they hope that at a later date FHA and VA financing will be available to the buyers. Ms. White stated that she thought the concept was excellent, but she had done some checking with Bergstrom and with HUD in San Antonio and the representative from Bergstrom, Mr. Jim Wueste, told her that they did not recommend residential development in that zone 13 unless it can be proved that the community needs that development in that area. Mr. Bechtol said that was correct and the feeling was that this project was definitely needed. Ms. White agreed that housing was needed in the area but was concerned about the location. She indicated further that the HUD office in San Antonio told her that to put residences in this area would encroach upon the use of the airport, that it might determine that the airport could not be used to its full capacity because of the noise level, and also that the noise level is such an encroachment on the residences in this area that they always recommend either commercial or industrial development in zone 13. She said that the gentleman she spoke with, Mr. Eugene Kaschtik,

C814-76-012 Omega Investment Company--Contd.

said he would be willing to come and speak to the Commission on this subject if it wished. Mr. Ron Zent, also representing the applicant, told the Commissioners that the reason the applicants contacted Mr. Conner, the acoustical consultant from Tracor, was that they were told that, to obtain VA financing on the subdivision, they would have to get a sound analysis on the subdivision and the applicants proceeded to do this. Mr. Phil Savoy, from the Travis County Engineering Department, then spoke in opposition to the project, bringing a message from Mr. Richard Moya, Travis County Commissioner of Precinct 4. He said that the Commissioner recognizes a need in the community for low-cost housing, but he would prefer to see it developed along the lesser environmentally sensitive areas of the I-35 corridor. Mr. Savoy also mentioned that there was a problem existing with the lack of compatibility of City and County road standards and the Commissioner would like to see this problem addressed prior to approval of the PUD. Mr. Guerrero wondered if the applicants would have a problem with constructing their houses to FHA and VA standards. Mr. Zent answered that he thought the thing to do would be to submit a set of specifications and plans to the Building Inspection Department. Mr. Jagger said that if this particular development were not approved for insurance for houses, it would not succeed and he felt that the noise question ought to be addressed by FHA or VA. Ms. White asked the other members and the applicants if they would be willing to postpone action until more information on the noise levels can be obtained, both from Bergstrom and the HUD office. Mr. Jagger felt that the Commission should be talking to either the VA or FHA office and not Bergstrom or HUD. Mr. Jagger suggested that the Commission could approve the conception of the plan, but wait on approval of the subdivision until it is approved by VA or FHA. Mr. Stoll offered another suggestion that they direct the staff to meet with the applicant and the county and then come back to the Commission with a report. Mr. Schuller explained to the members that what is before them at this time is the site plan and the preliminary subdivision for approval, which will go on to the City Council for final approval. If approved, the applicants would have to come back before the Planning Commission with a final subdivision for approval, and that approval could be subject to approval by FHA/VA. Mr. Rindy felt that if they approve the concept of something it sets up a lot of powerful momentum, where the applicant could go to the FHA or VA and say that the City approves, etc. Mr. Jagger said that he objected to calling someone in from the Federal Government to deal with the Commission, when it's the developer who should be dealing with them. Ms. White felt that what was really being considered was a concept for the entire area and not just this specific development. Mr. Rindy stated that his objections were to the noise and the safety factors and if they can be taken care of he will have no objection and will vote to approve it. He said he did have a further objection that had not been considered, and that is that he does not feel that development should be allowed so close to the cliffs of the Colorado, because he thinks that the City Parks Department will want that land for a hike and bike trail along the Colorado River. Mr. Stoll made a motion to postpone the request for three weeks and the City staff be directed to meet with the County and the applicants on the concerns that have been raised and return to the Commission with a comprehensive report addressing the concerns raised by the County and Ms. White and about the FHA and VA approvals. Ms. White seconded the motion. Mr. Jagger made a substitute motion to approve subject to ordinance requirements and departmental recommendations, a

C814-76-012 Omega Investment Company--Contd.

restriction that it be approved by FHA and/or VA prior to final subdivision, that a deed restriction be placed on it that it must be built to FHA or VA standards in effect at the time the houses are built, and that the applicant dedicate 50 to 75 feet to the Parks Department along the cliffs bordering the Colorado River. Mr. Guerrero seconded the motion. Mr. Stoll stated that he could not go along with this motion because he felt that additional information is necessary before a decision is made. Ms. Mather said that she would not vote for the motion either because she is uncertain that there should be development in that zone 13. Ms. Chance pointed out that since she had been on the Commission she had not seen a decent proposal for low-cost housing, so she was willing to approve it knowing some of the concerns. Mr. Guerrero agreed and added that the biggest cost of a project is the land and there are very few places where this project could be built and cost as little as it will cost the purchasers. The substitute motion ended in a 4-4 tie vote. Mr. Stoll stated that he wished to add to his motion that the staff address the other concerns brought out in the substitute motion. Mr. Schuller told the members that some of the questions in the motion could not be answered by the staff, such as VA and FHA standards for approval.

COMMISSION VOTE:

To APPROVE the request of Omega Investment Company for a 640-unit residential planned unit development called "River Hills", located at 2330 Bergstrom Highway, subject to ordinance requirements and departmental recommendations, a restriction that it be approved by FHA and/or VA prior to final subdivision, that a deed restriction be placed on it that it must be built to FHA or VA standards in effect at the time the houses are built, and that the applicant dedicate 50 to 75 feet along the cliffs bordering the Colorado River to the Parks and Recreation Department.

- AYE: Messrs. Guerrero, Gutierrez and Jagger; Ms. Chance
- NAY: Mmes. Mather and White; Messrs. Rindy and Stoll
- ABSENT: Mr. Dixon

THE MOTION FAILED WITH A 4-4 VOTE

To POSTPONE ACTION on the request of Omega Investment Company for a 640-unit residential planned unit development called "River Hills", located at 2330 Bergstrom Highway for three weeks and to instruct the City staff to meet with the applicants and the County to discuss the concerns that have been raised and return to the Commission with a comprehensive report addressing these concerns.

- AYE: Mmes. Chance, Mather and White; Messrs. Rindy and Stoll
- NAY: Messrs. Guerrero, Gutierrez and Jagger
- ABSENT: Mr. Dixon

C814-77-001	The Hamlets Corporation: 3900 Duval, also bounded by East 39th Street, East 40th Street and Avenue H	<u>"A" Residence, 1st H & A to a 24-unit single-family residential planned unit development called, "Towne Park".</u>
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation for approval subject to ordinance requirements and departmental recommendations. He explained that the tract is zoned "A" Residence, 1st H & A which allows a maximum of 10 units per acre in a P.U.D. This is commensurate with the number of units per acre that can be built with a townhouse or duplex development. Therefore, while a density in the 8 to 10 unit per acre range is higher than the densities of the adjoining blocks the staff feels that impact of a higher density can be mitigated with proper landscaping.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

George Valz, 503 Mary Louise Dr., San Antonio, TX
Elsie Lendahl, 3916 Avenue H

WRITTEN COMMENTS IN OPPOSITION

Mr. Mrs. Wolfred Astal, 3900 Avenue H
H.G. Donohs, 3901 Duval St.
Leonard Baker, Jr.

Dr. Paul O. Radde, 3809 Avenue H
Marshall C. Johnson, 3905 Avenue G
Laverne A. Johnson, 3905 Avenue G

WRITTEN COMMENTS WITH NO OPINION

Otto Shipley, 2607 Harris Boulevard

PERSONS APPEARING IN FAVOR

Randy Livingston (Representing Applicant)
John Van Winkel (Representing Applicant)
Kenneth Manning, 213 West 41st St.
Agnes M. Edward, 4309 Avenue G
Dorothy Jean Richter, 3901 Avenue G
Walter Jesse, 3912 Avenue H
Mrs. Odie Gags, 3908 Avenue H

PERSONS APPEARING IN OPPOSITION

Henry Klump, 105 East 39th Street
Mrs. Claude McIven

COMMISSION ACTION:

The members reviewed the information presented. Mr. John Van Winkle, representing the applicant, said that there were two departmental recommendations that he would like to speak to. The first was from the Water and Wastewater Department which states in part, "Existing wastewater main downstream will require upgrading." He explained that there is an existing sewer line running inside an 18 foot easement from the north to the south boundaries of this project and the problem lies between 38th and 39th Streets where the cast iron, six-inch sewer main was installed some 40 years ago and is in very poor condition. He said that he just wanted to express that the applicant is aware of it and doesn't feel it is a real problem, they will probably try to avoid using the line altogether. The second was a

C814-77-001 The Hamlets Corporation--Contd.

recommendation from the Urban Transportation Department that the driveway be 22 feet. He explained that all the parking will be restricted and no curb-side parking will be allowed and the applicant feels that 20 feet is adequate. Ms. Mather expressed concern for the gas and water pressure in the area. Ms. Butler told her that the Water and Wastewater Department has indicated that the system may have to be upgraded and this is something that they will take into consideration. She added that the City, of course, does not get involved with the gas pressure and that would have to be checked with the Southern Union Gas Company, which would be the responsibility of the applicant. Mr. Guerrero asked if it could be indicated that these concerns would be checked as part of the approval of the application. Ms. Butler said that the staff could check that and that the Building Inspection Department would be contacted to see if the permit would tie back to that. Mr. Rindy asked Mr. Bill Lowery of the Urban Transportation Department if it was necessary for the project to have a 22-foot driveway or if the 20-foot driveway proposed by the applicant would be adequate. Mr. Lowery answered that this requirement was based on the zoning ordinance which sets the minimum aisle for 90 degree parking at 24 feet to accommodate the backing out maneuvers. He added that, since there are driveways here that have a little more width than the typical parking space, the requirement was brought back from 24 to 22 feet. Ms. Mather asked Mr. Lowery if he felt that 20 feet would be inadequate. Mr. Lowery conferred with the applicant and answered that the plan did allow sufficient space to allow them the 20-foot driveways. Ms. White asked why Duval Street was ruled out for access. Mr. Lowery responded that it is consistent with City policy which designates arterial streets, such as Duval, for the primary purpose of the movement of vehicles and therefore, the access is limited on them. Ms. White was concerned about adding traffic on neighborhood streets and felt that this also should be considered. Mr. Lowery said that the traffic that will be coming out of this project is considered neighborhood traffic. Ms. Mather made a motion to approve the request, granting a change on the Urban Transportation driveway requirement from 22 feet to 20 feet and change the wording on Urban Transportation's ordinance requirement number one to read "Approaches must be a minimum of 25 feet wide with 10-foot curb return radii" instead of "Driveways must be a minimum of 25 feet wide with 10-foot curb return radii". Mr. Rindy asked to amend the motion to add the requirement that the site plan be tied to the approximate landscape plan presented and that in addition to what is indicated, they indicate foliage or landscaping outside the fences. Ms. Mather accepted that amendment and added another amendment to add that if the neighborhood is impacted by a decrease in gas and water pressure, the applicants will make the necessary improvements or go to all electric utilities. Ms. Chance seconded the motion. Mr. Schuller asked the members if they wished the landscaping plan to be reviewed by the neighborhood organization. Ms. Mather answered for the Commission that it should be reviewed both by the neighborhood organization and the staff.

COMMISSION VOTE:

To APPROVE the request of The Hamlets Corporation for a zoning change from "A" Residence, 1st H & A to a 24-unit single-family residential planned unit development called, "Towne Park", located at 3900 Duval, also bounded by East 39th Street, East 40th Street and Avenue H, granting a change on the Urban Transportation driveway requirement from 22 feet to 20 feet and changing the

C814-77-001 The Hamlets Corporation--Contd.

word "driveways" to "approaches" in Urban Transportation's ordinance requirement number one, tying the site plan to the landscaping plan presented and adding foliage or landscaping outside the fences of the project, that the applicant will make any necessary improvements, including going to all electric utilities, if the neighborhood is impacted by a decrease in gas and water pressure, and to ordinance requirements and departmental recommendations.

AYE: Messrs. Guerrero, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White
 ABSTAIN: Mr. Gutierrez
 ABSENT: Mr. Dixon

SUBDIVISIONS

R105-77 SUBDIVISION MEMORANDUM

Short Form Subdivisions as listed on the Subdivision Memorandum.
 Action to be taken at meeting.

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

The following short form subdivisions have appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of these plats. The Commission then

VOTED: To APPROVE the following short form subdivisions:

C8s-76-219 Mackedrick's Northside Addition
 Dawson Road & Barton Springs

C8s-77-08 E-Z Addition
 Lamar Blvd.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White
 ABSENT: Mr. Dixon

THE MEETING ADJOURNED AT 1:15 AM.


 Richard R. Lillie
 Executive Secretary